

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

TODD S.,¹

Case No. 6:15-cv-02400-SU
ORDER

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

AIKEN, District Judge:

Magistrate Judge Patricia Sullivan filed her Findings and Recommendation ("F&R") (doc. 33) on January 28, 2019 recommending that the Court grant plaintiff's Motion for Approval of Attorney Fees pursuant to 42 U.S.C. 406(b). (doc. 31) This case is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

No objections have been timely filed. Although this relieves me of my obligation to perform a *de novo* review, I retain the obligation to "make an informed, final decision." *Britt v.*

¹ In the interest of privacy, this opinion uses only the first name and the initial of the last name of the non-governmental party or parties in this case. Where applicable, this opinion uses the same designation for a non-governmental party's immediate family member.

Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983), *overruled on other grounds*, *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates Act does not specify a standard of review in cases where no objections are filed. *Ray v. Astrue*, 2012 WL 1598239, *1 (D. Or. May 7, 2012). Following the recommendation of the Rules Advisory Committee, I review the F&R for “clear error on the face of the record[.]” Fed. R. Civ. P. 72 advisory committee’s note (1983) (citing *Campbell v. United States District Court*, 501 F.2d 196, 206 (9th Cir. 1974)); *see also United States v. Vonn*, 535 U.S. 55, 64 n.6 (2002) (stating that, “[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of” a federal rule).

Having reviewed the file of this case and Magistrate Judge Sullivan’s order, I find no clear error. Thus, I adopt Magistrate Judge Sullivan’s F&R (doc. 33) in its entirety. Accordingly, the Motion for Attorney Fees (doc. 31) is GRANTED. The Clerk shall enter a formal order awarding fees as outlined in the F&R.

IT IS SO ORDERED.

Dated this 26th day of March, 2019.



Ann Aiken
United States District Judge